

AMENDED IN SENATE JUNE 5, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 715

**Introduced by Assembly Member Laird
(Coauthors: Assembly Members Hancock, Huffman, Mullin, and
Wolk)**

February 22, 2007

An act to amend, renumber, and add Section 17921.5 of, to add and repeal Section 17921.4 of, and to repeal and add Section 17921.3 of, the Health and Safety Code, relating to water conservation appliances.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Laird. Water conservation: low-flush water closets.

(1) The State Housing Law requires all water closets sold or installed in this state to be water closets and associated flushometer valves, if any, that use no more than an average of 1.6 gallons per flush and urinals and associated flushometer valves, if any, that use no more than an average of one gallon per flush and requires these water closets, urinals, and associated flushometer valves to meet performance standards established by the American Society of Mechanical Engineers standards. Violation of the State Housing Law is punishable as a misdemeanor.

~~This bill would require, on and after January 1, 2010, tank type water closets and flushometer type water closets, as specified, to use a specified amount of water per flush that is less than currently allowed if they are installed in new buildings constructed in this state and all washdown urinals sold or installed in this state to use a specified amount of water per flush that is less than currently allowed.~~

~~The bill would require, on and after January 1, 2011, tank type water closets sold or installed in the state to use a specified amount of water per flush that is less than currently allowed. It would also require, on and after January 1, 2012, all flushometer-type water closets sold or installed in the state to use a specified amount of water per flush that is less than currently allowed.~~

~~The bill would authorize the California Building Standards Commission, upon recommendation of the Department of Housing and Community Development, to delay the 2010, 2011, and 2012 implementation dates specified above by up to 2 years if certain conditions are met. The bill would also authorize the commission to lower the water consumption requirements and to update the technical standards for water closets and urinals, as specified.~~

This bill would require that all water closets sold or installed in this state shall use no more than an average of 1.6 gallons per flush and that all urinals sold or installed in this state use no more than an average of one gallon per flush. It would require that, on and after January 1, 2014, all water closets and all washdown urinals sold or installed in this state shall be high-efficiency water closets and urinals.

This bill also would require manufacturers selling water closets or urinals in this state to offer high-efficiency models for sale in a specified percentage of all models offered, including 50% by January 1, 2010, 67% by January 1, 2011, 75% by January 1, 2012, 85% by January 1, 2013, and 100% by January 1, 2014. It would require these manufacturers, by January 30 of 2010, 2011, 2012, and 2013, to inform, in writing, the California Energy Commission of the percentage of high-efficiency models it is offering for sale that year.

The bill would, until January 1, 2010, require a nonwater-supplied urinal approved for installation or sold in this state to satisfy specified requirements. The bill would require state agencies that adopt or propose building standards for plumbing systems to determine, by January 1, 2009, whether to develop building standards that would authorize the use of nonwater-supplied urinals and would require these urinals to meet certain minimal requirements.

By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17921.3 of the Health and Safety Code
2 is repealed.

3 SEC. 2. Section 17921.3 is added to the Health and Safety
4 Code, to read:

5 17921.3. (a) All water closets, including any associated
6 flushometer valves, and urinals installed or sold in this state shall
7 meet performance, testing, and labeling requirements established
8 by the American Society of Mechanical Engineers standard
9 A112.19.2-2003, or A112.19.14-2001, as applicable. No other
10 marking and labeling requirements shall be required by the state.
11 All water closets, including any associated flushometer valves,
12 and urinals installed or sold in this state shall be listed by an
13 American National Standards Institute accredited third-party
14 certification agency to the appropriate American Society of
15 Mechanical Engineers standards set forth in this subdivision. No
16 other listing or certification requirements shall be required by the
17 state.

18 ~~(b) (1) All new buildings constructed in this state shall use~~
19 ~~water closets that use no more than an average of 1.6 gallons per~~
20 ~~flush and urinals that use no more than an average of one gallon~~
21 ~~per flush.~~

22 ~~(2) On and after January 1, 2010, tank type water closets,~~
23 ~~including pressure tank water closets, installed in new buildings~~
24 ~~constructed in this state and all floor-mounted/floor-outlet and~~
25 ~~wall-mounted/wall-outlet flushometer water closets installed in~~
26 ~~new buildings constructed in this state shall use no more than an~~
27 ~~average of 1.6 gallons per flush for solids and 1.1 gallons per flush~~
28 ~~for liquids, for dual flush water closets, and, for single flush water~~
29 ~~closets, shall use no more than an average of 1.3 gallons per flush.~~

30 ~~(3) On and after January 1, 2010, all washdown urinals installed~~
31 ~~in new buildings constructed in this state shall use no more than~~
32 ~~0.5 gallon per flush.~~

~~(4) All consumption values stated in this subdivision shall be determined by the test procedures contained in the American Society of Mechanical Engineers standards A112.19.2-2003 and A112.19.14-2001.~~

~~(e) (1) All water closets sold or installed in this state shall be water closets that use no more than an average of 1.6 gallons per flush and urinals that use no more than an average of one gallon per flush.~~

~~(2) On and after January 1, 2011, tank type water closets, including pressure tank water closets, sold or installed in this state shall use no more than an average of 1.6 gallons per flush for solids and 1.1 gallons per flush for liquids, for dual flush water closets, and, for single flush water closets, shall use no more than an average of 1.3 gallons per flush.~~

~~(3) On and after January 1, 2012, all flushometer-type water closets sold or installed in this state shall use no more than an average of 1.6 gallons per flush for solids and 1.1 gallons per flush for liquids, for dual flush water closets, and, for single flush water closets, shall use no more than an average of 1.3 gallons per flush.~~

~~(4) On and after January 1, 2010, all washdown urinals sold or installed in this state shall use no more than 0.5 gallon per flush.~~

~~(5) All consumption values stated in this subdivision shall be determined by the test procedures contained in the American Society of Mechanical Engineers standards A112.19.2-2003 and A112.19.14-2001.~~

~~(d) The California Building Standards Commission, upon recommendation of the department, may, by regulation, delay the implementation dates specified in paragraphs (2), (3), and (4) of subdivision (b) and paragraphs (2), (3), and (4) of subdivision (c) by up to two years if the commission determines, based on substantial evidence in the record, that manufacturers are not capable of producing sufficient numbers of devices or that there are significant technical reasons that would make a delay in the public interest.~~

~~(e) The California Building Standards Commission may, by regulation, reduce the quantity of water per flush required pursuant to this section if deemed appropriate in light of standards referenced in the most recent version of the California Plumbing Code, and may refer to successor standards to the standards referenced in this~~

~~section if determined appropriate in light of standards referenced in the most recent version of the California Plumbing Code.~~

(b) (1) All water closets sold or installed in this state shall use no more than an average of 1.6 gallons per flush. On and after January 1, 2014, all water closets sold or installed in this state shall be high-efficiency water closets.

(2) All urinals sold or installed in this state shall use no more than an average of one gallon per flush. On and after January 1, 2014, all washdown urinals sold or installed in this state shall be high-efficiency urinals.

(3) Each manufacturer selling water closets or urinals in this state shall have not less than the following percentage of models offered for sale in this state of high-efficiency water closets plus high-efficiency urinals as compared to the total number of models of water closets plus urinals offered for sale in this state by that manufacturer:

(A) Fifty percent in 2010.

(B) Sixty-seven percent in 2011.

(C) Seventy-five percent in 2012.

(D) Eighty-five percent in 2013.

(E) One hundred percent in 2014 and thereafter.

(4) Each manufacturer that sells water closets or urinals in this state shall inform the California Energy Commission, in writing, of the percentage of models of high-efficiency water closets plus high-efficiency urinals offered for sale in this state as compared to the total number of models of water closets plus urinals offered for sale in this state by that manufacturer for each year 2010 to 2013, inclusive, by January 30 of that year.

~~(f)~~

(c) Any city, county, or city and county may enact an ordinance to allow the sale and installation of nonlow-consumption water closets or urinals upon its determination that the unique configuration of building drainage systems or portions of a public sewer system within the jurisdiction, or both, requires a greater quantity of water to flush the system in a manner consistent with public health. At the request of a public agency providing sewer services within the jurisdiction, the city, county, or city and county shall hold a public hearing on the need for an ordinance as provided in this subdivision. Prior to this hearing or to the enactment of the ordinance, those agencies responsible for the provision of water

1 and sewer services within the jurisdiction, if other than the agency
2 considering adoption of the ordinance, shall be given at least 30
3 days' notice of the meeting at which the ordinance may be
4 considered or adopted.

5 ~~(g)~~

6 (d) Notwithstanding subdivision (c), on and after January 1,
7 1994, water closets and urinals that do not meet the standards
8 referenced in subdivision (c) may be sold or installed for use only
9 under either of the following circumstances:

10 (1) Installation of the water closet or urinal to comply with the
11 standards referenced in subdivision (c) would require modifications
12 to plumbing system components located beneath a finished wall
13 or surface.

14 (2) The nonlow-consumption water closets, urinals, and
15 flushometer valves, if any, would be installed in a home or building
16 that has been identified by a local, state, or federal governmental
17 entity as a historical site and historically accurate water closets
18 and urinals that comply with the flush volumes specified in
19 subdivision (c) are not available.

20 ~~(h)~~

21 (e) (1) This section does not preempt any actions of cities,
22 counties, cities and counties, or districts that prescribe additional
23 or more restrictive conservation requirements affecting either of
24 the following:

25 (A) The sale, installation, or use of low-consumption water
26 closets, urinals, and flushometer valves that meet the standards
27 referenced in subdivision (a), (b), or (c).

28 (B) The continued use of nonlow-consumption water closets,
29 urinals, and flushometer valves.

30 (2) This section does not grant any new or additional powers to
31 cities, counties, cities and counties, or districts to promulgate or
32 establish laws, ordinances, regulations, or rules governing the sale,
33 installation, or use of low-consumption water closets, urinals, and
34 flushometer valves.

35 ~~(i)~~

36 (f) As used in this section, the following terms have the
37 following meanings:

38 (1) "Floor-mounted/floor-outlet water closets" means models
39 that are mounted with the fixture base on the floor and discharge
40 to the drainage system through the floor.

(2) “High-efficiency water closet” means a tank type water closet, including pressure tank water closet, or a floor-mounted/floor-outlet or wall-mounted/wall-outlet flushometer water closet that is either of the following:

(A) A dual flush water closet with an effective flush volume that does not exceed 1.28 gallons, where effective flush volume is defined as the composite, average flush volume of two reduced flushes and one full flush. Flush volumes shall be tested in accordance with ASME A112.19.2 and ASME A112.19.14.

(B) A single flush water closet where the effective flush volume shall not exceed 1.28 gallons. The effective flush volume is the average flush volume when tested in accordance with ASME A112.19.2.

(3) “High-efficiency urinal” means a washdown urinal that uses no more than 0.5 gallons per flush.

~~(2)~~

(4) “Nonlow-consumption flushometer valve,” “nonlow-consumption urinal,” and “nonlow-consumption water closet” mean devices that use more than 1.6 gallons per flush for toilets and more than 1.0 gallons per flush for urinals.

~~(3)~~

(5) “Urinal” means a water-using urinal.

~~(4)~~

(6) “Wall-mounted/wall-outlet water closets” means models that are mounted on the wall and discharge to the drainage system through the wall.

~~(5)~~

(7) “Washdown urinals” means models that operate primarily on a dilution only, nonsiphonic principle.

SEC. 3. Section 17921.4 is added to the Health and Safety Code, to read:

17921.4. (a) A nonwater-supplied urinal approved for installation or sold in this state shall satisfy all of the following requirements:

(1) Meet performance, testing, and labeling requirements established by the American Society of Mechanical Engineers standard A112.19.19-2006.

(2) Be listed by an American National Standards Institute accredited third-party certification agency to the American Society of Mechanical Engineers standard A112.19.19-2006.

1 (3) Provide a barrier liquid sealant to maintain a trap seal.

2 (4) Permit the uninhibited flow of waste through the urinal to
3 the sanitary drainage system.

4 (5) Be cleaned and maintained in accordance with the
5 manufacturer's instructions after installation.

6 (6) Be installed with a water supply rough-in to the urinal
7 location that would allow a subsequent replacement of the
8 nonwater-supplied urinal with a water-supplied urinal if desired
9 by the owner or if required by the enforcement agency.

10 (b) As used in this section, the following terms have the
11 following meanings:

12 (1) "Building" means any structure subject to this part, and any
13 structure subject to the California Building Standards Law as set
14 forth in Part 2.5 (commencing with Section 18901).

15 (2) "Water supply rough-in" means the installation of water
16 distribution and fixture supply piping sized to accommodate a
17 water-supplied urinal to an in-wall point immediately adjacent to
18 the urinal location.

19 (c) This section shall remain in effect only until January 1, 2010,
20 and as of that date is repealed.

21 SEC. 4. Section 17921.5 of the Health and Safety Code is
22 amended and renumbered to read:

23 17921.6. Except as provided in Section 18930, the department
24 shall prepare and adopt minimum standards regulating the use and
25 application of cellular concrete as it determines are reasonably
26 necessary for the protection of life and property.

27 SEC. 5. Section 17921.5 is added to the Health and Safety
28 Code, to read:

29 17921.5. (a) By January 1, 2009, any state agency that adopts
30 or proposes building standards for plumbing systems shall
31 determine whether to develop building standards, for submission
32 to the California Building Standards Commission in accordance
33 with Section 18930, that would authorize the use of
34 nonwater-supplied urinals. If building standards are adopted that
35 authorize the use of nonwater-supplied urinals, the standards shall
36 require nonwater-supplied urinals to satisfy at least all of the
37 following requirements:

38 (1) Meet performance, testing, and labeling requirements
39 established by the American Society of Mechanical Engineers
40 standard A112.19.19-2006.

1 (2) Be listed by an American National Standards Institute
2 accredited third-party certification agency to the American Society
3 of Mechanical Engineers standard A112.19.19-2006.

4 (3) Provide a barrier liquid sealant to maintain a trap seal.

5 (4) Permit the uninhibited flow of waste through the urinal to
6 the sanitary drainage system.

7 (5) Be cleaned and maintained in accordance with the
8 manufacturer's instructions after installation.

9 (6) Be installed with a water supply rough-in to the urinal
10 location that would allow a subsequent replacement of the
11 nonwater-supplied urinal with a water-supplied urinal if desired
12 by the owner or if required by the enforcement agency.

13 (b) As used in this section, the following terms have the
14 following meanings:

15 (1) "Building" means any structure subject to this part, and any
16 structure subject to the California Building Standards Law as set
17 forth in Part 2.5 (commencing with Section 18901).

18 (2) "Water supply rough-in" means the installation of water
19 distribution and fixture supply piping sized to accommodate a
20 water-supplied urinal to an in-wall point immediately adjacent to
21 the urinal location.

22 SEC. 6. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.